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September 25, 1997

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

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Mr. William F. Caton  
Acting Secretary  
Federal Communications Commission  
1919 M Street, NW  
Room 222  
Washington, DC 20554

Dear Mr. Caton:

On behalf of Charles M. Anderson, there is transmitted herewith an original and four copies of his Supplement to Petition for Reconsideration filed in connection with his Petition for Rule Making proposing a change in the FM Table of Allotments by the substitution of Channel 264 C3 for Channel 264A at Beaver Dam, Kentucky, and the reallocation of Channel 264 C3 from Beaver Dam to Brownsville, Kentucky.

If any additional information is desired in connection with this matter, please contact the undersigned counsel.

Very truly yours,



Brian M. Madden

BMM/tlm

Enclosure

cc: John Karousos, Esq.

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BEFORE THE  
**Federal Communications Commission**  
WASHINGTON, D.C. 20554

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SEP 25 1997

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )  
 )  
Amendment of Section 73.202(b) )  
Table of Assignments )  
FM Broadcast Stations )  
Brownsville and Beaver Dam, Kentucky )

RM- 2 8819

To: Chief, Allocations Branch

**SUPPLEMENT TO PETITION FOR RULE MAKING**  
**AND TO PETITION FOR RECONSIDERATION**

Charles M. Anderson, by his attorneys, provides this supplement to his Petition for Rule Making, originally filed May 17, 1996, in which he requests the substitution of Channel 265 C3 for Channel 264A at Beaver Dam, Kentucky and the reallocation of Channel 264C3 to Brownsville, Kentucky. Mr. Anderson holds a construction permit for Station WAUE(FM), Channel 264A, Beaver Dam, Kentucky.

By letter dated November 8, 1996, the Chief of the Allocation Branch determined that the Petition for Rule Making was unacceptable for consideration on the grounds that it proposed the removal of Beaver Dam's sole local potential aural transmission service. Mr. Anderson has previously filed a petition for reconsideration of this action, which remains pending. It is respectfully requested that this filing be treated as a supplement to the petition for reconsideration, as well.

The purpose of this supplemental filing is to advise the Commission that the premise for the rejection of Mr. Anderson's proposed changes in the FM Table of Allotments is

no longer correct. On August 19, 1997, the Commission granted an application filed by Starlight Broadcasting Company, Inc., licensee of Station WSNR, Hartford, Kentucky, to change the community of license of the station to Beaver Dam, Kentucky (FCC File No. BP-970328AA). By letter dated September 5, 1997, Starlight Broadcasting Company, Inc. notified the Commission that it was operating Station WSNR as a Beaver Dam station under Program Test Authority, and on September 11, 1997, the licensee filed an application for license to cover the change in community of license approved by the Commission.

Consideration of the Petition for Rule Making at this time would be appropriate and in full accord with the Commission's policies. Beaver Dam will continue to have a local transmission service, even after the upgrade and reallocation of Channel 264C3 to Brownsville, which will thereby be allocated its first local transmission service. Under the Commission's procedures, Revision of FM Assignment Policies and Procedures, 90 FCC 2d 88 (1982), it is the Brownsville proposal that will fulfill priority three under the allotment priorities, whereas Beaver Dam is now to be considered under priority four. Moreover, as noted in Mr. Karousos's letter of November 28, 1996, the proposed change in the FM Table of Allotments will result in a substantial increase in additional service by Station WAUE.<sup>1</sup>

In view of the foregoing, Mr. Anderson respectfully requests that the Chief, Allocations Branch accept this supplement to the pending petition for reconsideration and, as a result of the assurance of first local transmission service to Beaver Dam, reinstate the Petition for


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<sup>1</sup> Specific data concerning the service gains and losses has been provided previously.

Rule Making and issue an appropriate Notice of Proposed Rule Making in accordance with the Commission's rules.

Respectfully submitted,

**CHARLES M. ANDERSON**

By 

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Its Attorneys

September 25, 1997